

REMARKS

CLAIM REJECTIONS UNDER 35 USC 102.(b)

Claim 1, although rejected under 35 USC 102(b) has
5 been amended to include the limitation of claim 5, which was
rejected under 35 USC 103. Accordingly, applicant will argue
that amended claim 1 is patentably novel and nonobvious over
the combination of Parrish and Robar. There are at least three
reasons this is so. First, Parrish teaches neither the use of
10 an assembly adapted to be anchored in a stud nor the method of
anchoring the assembly in a stud. Second, Parrish does not
teach the use of an assembly adapted to support an item as
weighty as a bicycle rack. Third, there is no suggestion of
combining Parrish and Robar, which are in different fields of
15 endeavor.

Points one and two dovetail together, because the
light-duty hitch holder of Parrish would not need to be
anchored in a stud in order to hold a hitch alone, which is
the only item that it is specifically disclosed to be adapted
20 to hold. By teaching the use of a light-duty hitch holder
Parrish teaches away from the present invention, which
requires a hitch holder strong enough to hold a bicycle rack.

With respect to the third argument, Parrish and
Robar are from completely different arts and there is no
25 suggestion to combine. Although applicant understands that the
inquiry into whether references are in the same art is not
settled by whether or not they share the same current U.S.
classification, it is worth noting that there is no overlap
whatsoever between Parrish and Robar in terms of patent office
30 classification or field of search. One need not reach down to
the subclass level to find this complete separation. Even in
the broader classes of 211 and 224 for Robar and 280 for

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Parrish, there is no common ground, as one would surely expect there to be if these references were from the same art.

Moreover, these references are not combinable, as Robar shows nothing that would fit into the hitch holder of Parrish. The only possible way to fit these two references together is to work backwards from the disclosure of the present invention, which is of course, impermissible hindsight.

With respect to Claims 9 and 10, it appears to applicant that the trailer 150 is supported by the hitch rather than the other way around. Indeed the PTO's argument that the trailer 150 weighs less than 500 lbs depends on it being supported by the hitch. As trailer 150 is supported by two wheels as well as the hitch, however, it could weigh more than 500 or 666 lbs, as the hitch does not support the entire weight.

Applicant respectfully notes, with respect to U.S. Patent No. 6,854,630 (Anderson) and claim 10, that this patent does not show a hitch receiver "supported by a set of wheels adapted to facilitate the movement of the device from one location to another."

CLAIM REJECTIONS UNDER 35 USC 103

With respect to amended claim 6, it is patentably distinct over the prior art at least because its base claim is patentably distinct over the prior art.

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It is respectfully submitted that the claims are now in condition for allowance. Reconsideration and early notice of allowance are respectfully solicited.

Respectfully submitted,



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